

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

AMERICAN SPIRIT AND CHEER  
ESSENTIALS, INC., ROCKSTAR  
CHAMPIONSHIPS, LLC, JEFF &  
CRAIG CHEER, LLC, d/b/a JEFF  
AND CRAIG CAMPS, and ASHLEY  
HAYGOOD, Individually and on  
Behalf of all Others Similarly Situated,  
Plaintiffs,

v.

VARSITY BRANDS, LLC, BSN  
SPORTS, LLC, VARSITY SPIRIT,  
LLC, STANBURY, LLC, HERFF  
JONES, LLC, BAIN CAPITAL, LP,  
CHARLESBANK CAPITAL  
PARTNERS, LLC, VARSITY  
BRANDS HOLDING CO., INC.,  
VARSITY SPIRIT FASHION &  
SUPPLIES, LLC, U.S. ALL STAR  
FEDERATION, INC., USA  
FEDERATION FOR SPORT  
CHEERING, d/b/a USA CHEER,  
VARSITY INTROPA TOURS, LLC  
and JEFF WEBB,

Defendants.

CIVIL ACTION  
FILE NUMBER:  
2:20-cv-02782-SHL-tmp

**CERTIFICATE OF  
CONSULTATION**

Pursuant to LR 7.2(a)(1)(B), counsel affirm that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues. Indeed, Interim Lead Class Counsel Robert Falanga and Kobelah Svensen Bennah for the American Spirit Plaintiffs consulted with Steven Kaiser for the Defendants *repeatedly*—recently including on January 1, 2022, February 3, 2022, and February 7, 2022—via telephone, email, and USPS mail to no avail.

Respectfully submitted,

This 9<sup>th</sup> day of February 2022.

s/ Robert A. Falanga  
Robert A. Falanga, Esq.  
Attorney Bar No. 254400  
Interim Lead Class Counsel

s/ Kobelah Svensen Bennah  
Kobelah Svensen Bennah  
Attorney Bar No. 378113

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